

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

JAMES G. MALONEY, et al.,

Defendants.

Criminal Action No.

1:16-cr-237-RWS-JSA

ORDER

This case comes before the Court on Defendant James G. Maloney's Motion for Guidance Regarding Securing the Presence of Government Witnesses for Trial and Notice Pursuant to *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951) and Related Regulations [Dkt. 168] and Motion for Leave to Object to the Government's Proposed *Voir Dire* Questions [Dkt. 189].

First, with respect to securing the presence of Government witnesses for trial, in response to the Court's April 18, 2023 Order [Dkt. 181], the Government represented that it will be responsible for accepting service of defense trial subpoenas to Government witnesses. As a result, there is no need for additional guidance from the Court on that issue. The Government also represented that the *Touhy* procedures are being adhered to and underway.

Second, as to the Government's proposed *voir dire* questions and defense objections, Dr. Maloney acknowledges that he filed his objections to the Government's proposed questions a day late but asks the Court to consider them anyway. The Government did not object. The Court has reviewed Dr. Maloney's objections and has addressed his concerns in questions drafted by the Court. In fact, the Court's proposed *voir dire* questions incorporate suggestions from both the prosecution and defense and were provided to counsel during the May 10, 2023 Pretrial Conference for consideration.

For the reasons stated herein, both matters have been resolved. Accordingly, it is **ORDERED** that Defendant James G. Maloney's Motions [Dkts. 168, 189] are both **DENIED as moot**.

SO ORDERED this 10th day of May, 2023.

A handwritten signature in black ink, reading "Richard W. Story". The signature is fluid and cursive, with the first name "Richard" and last name "Story" clearly legible. The middle initial "W." is written in a smaller, more compact script.

RICHARD W. STORY
United States District Judge